

Trial (The) of Alice Mitchell -

al

Compliments of G. L. Sim, M.D.

✓ ——— THE ———

Trial of Alice Mitchell

FOR KILLING FRED A WARD.

=====

FORENSIC PSYCHIATRY.

=====

TESTIMONY OF

DRS. F. L. SIM, B. F. TURNER, E. P. SALE, J. H. CALLENDER,
MICHAEL CAMPBELL, FRANK INGRAM, WM. B. FLETCHER,
AND WM. A. HAMMOND

TOGETHER WITH

The Statement of the Prisoner.



=====

REPRINT FROM THE MEMPHIS MEDICAL MONTHLY.

1892 XII, 377



Memphis Medical Monthly

[FORMERLY MISSISSIPPI VALLEY MEDICAL MONTHLY.]

SUBSCRIPTION PER ANNUM, ONE DOLLAR IN ADVANCE.

The MONTHLY will be mailed on or about the fifteenth of the month. Subscribers failing to receive it promptly will please notify us at once. Original communications, etc., should be in the hands of the Editor on or before the first of the month of publication. We cannot promise to furnish back numbers. Clinical experience—practical articles—favorite prescriptions, etc., and medical news of general interest to the profession, solicited. All communications, whether of a business or literary character, should be addressed to

F. L. SIM, M.D., EDITOR,
Memphis, Tennessee.

FORENSIC PSYCHIATRY.

Alice Mitchell Adjudged Insane.

On the eighteenth day of last month Alice Mitchell was taken before the Shelby County Criminal Court in the hope of determining the status of her mind, with the view of confining her in an insane asylum if insane, or trying her for murder if sane. The court was presided over by Judge J. J. DuBose. The State was represented by Attorney-General Geo. B. Peters, who was assisted by Messrs. F. L. Bates, Wm. Fitzgerald, J. D. Castleberry, G. S. Landis and G. L. Harris, all young practitioners at the bar; while the defense was handled by Col. George Gantt, Gen. Luke E. Wright, and Mr. M. H. Patterson. By the Judge and the attorneys on either side the very best legal talent of the country was represented. The jurors were selected from among the best citizens of Memphis.

So much interest has been manifested in this very remarkable case, that we deem it our duty toward the profession to place the facts on record.

The first question that presents itself to the alienist is: If insane, from whence come the etiological factors? Heredity, that most common and potent of all causes of mental disturbances, was proven beyond a doubt: Some of the ancestry of the mother were shown to have been insane. The parents of Mrs. Mitchell died when she was an infant. One of her brothers was insane for a considerable period, one of her uncles was insane, and several of her first cousins were insane. The mother of Alice had puerperal insanity, as testified to by Dr.

Thomas G. Comstock of St. Louis, Mo., following the birth of her first child in 1857. Dr. Comstock attended her for one month, then advised her removal to an insane asylum. After an asylum treatment of two months she returned to her home, apparently well. In a few days her mind became again unbalanced by the news of the death of her child. This mental aberration, however, continued only a few days, but she remained melancholy, suffering from hallucinations, and entertained the most groundless prejudices and fears. The prosecution claimed that the insanity of the ancestry of the mother was purely accidental and due to recognized causes, other than the insane temperament. The defense urged that such factors were recognizable wholly as *exciting* causes. True brain disease resulting in mental alienation may follow a variety of factors unassociated with heredity, but when more than one person in a generation or two become insane from "exciting causes," we are forced to recognize the great probability of an underlying neuropathy. Doubt may be entertained as to whether puerperal mania indicates an insane temperament, but it must be removed when the character of the case had by the mother is fully analyzed, for the insane tendency itself becomes apparent. Among the evidences of disturbed mentality was a groundless and absurd antipathy to a devoted sister that she fondly loved, and a like groundless aversion against a highly-cherished female friend. About the same time she was possessed with the unfounded belief that a stepdaughter, twelve years of age, who was much attached to her children, intended to kill them, and would not allow her to sleep in the same room with them. She formed the purpose of putting this stepchild to death, without any cause whatever. She could not be reasoned out of her belief that the stepchild intended to kill her children, or her purpose to take the life of her stepchild. Efforts to do so only inflamed and excited her, and her husband was compelled to send the stepchild to live with his relatives. The melancholia, the grave forebodings, the suspicions, apprehensions, etc., after her recovery, taken with the fact that she was under treatment requiring more or less restraint for three months, leaves no room for doubt that the mother had inherited a neuropathology of insane proneness. These family

taints are difficult to determine, as persons hesitate to believe that they exist, much less mention them. In hospital practice D. Hack Tuke says that 47 per cent. of puerperal insanities have the history of the insane temperament.

Alice was the seventh child, and her mother evinced more or less mental disturbance with each parturition, especially after the birth of Alice. The following facts were fully proven in court:

HYPOTHETICAL CASE.

Alice was a nervous, excitable child, and somewhat under size. As she grew she did not manifest interest in those childish amusements and toys that girls are fond of.

When only four or five years old she spent much time at a swing in the yard of the family in performing such feats upon it as skinning the cat, and hanging by an arm or leg. She was fond of climbing, and was expert at it.

She delighted in marbles and tops, in base ball and foot ball, and was a member of a children's base ball nine. She spent much time with her brother Frank, who was next youngest, playing marbles and spinning tops. She preferred him and his sports to her sisters. He practiced with her at target shooting with a small rifle, to her great delight. She excelled this brother at tops, marbles, and feats of activity.

She was fond of horses, and from early childhood would go among the mules of her father and be around them when being fed. About six or seven years ago her father purchased a horse. She found great satisfaction in feeding and currying him. She often rode him about the lot bareback, as a boy would. She was expert in harnessing him to the buggy, in looking after the harness, and mending it when anything was amiss. To the family she seemed a regular tomboy.

She was willful and whimsical. She disliked sewing and needlework. Her mother could not get her to do such work. She undertook to teach her crocheting, but could not. She was unequal in the manifestation of her affections. To most persons, even her relatives, she seemed distant and indifferent. She was wholly without that fondness for boys that girls usually manifest.

She had no intimates or child sweethearts among the boys,

and when approaching womanhood, after she was grown, she had no beaux and took no pleasure in the society of young men. She was sometimes rude, and always indifferent to young men. She was regarded as mentally wrong by young men toward whom she had thus acted.

About the time her womanhood was established she was subject to very serious and protracted headaches. She had far more than the usual sickness at that period. She was subject to nervous spells, in which she would visibly tremble or shake. She is still at times subject to these attacks of extreme nervous excitement, but does not, now, and never did, wholly lose consciousness in them but upon one occasion.

For Freda Ward, a girl about her own age, she had an extraordinary fondness. Whenever she could do so she was with her. They lived neighbors, and spent as much of their time together as possible. The attachment seemed to be mutual, but was far stronger in Alice Mitchell than in Fred.

They were very different in disposition. Fred was girl-like and took no pleasure in the boyish sports that Alice delighted in. Her instincts and amusements were feminine. She was tender and affectionate. Time strengthened the intimacy between them. They became lovers in the sense of that relation between persons of different sexes. May, a year ago, the Ward family moved from Memphis to Golddust, a small town on the Tennessee side of the Mississippi river, about eighty miles north of Memphis. The separation greatly distressed Alice, but an active correspondence by mail was at once opened, and in this way they modified the regret caused by the separation. In the summer after the removal of the Wards Alice visited her beloved Fred, and remained with her two or three weeks. They were continually together, and often seen embracing and clasped in each other's arms.

Alice got a promise that Fred should visit her in the fall or winter, and this promise was kept, Fred spending about two weeks with Alice in December, 1890.

During this visit Alice entertained the idea of taking her own life or that of Fred. She bought laudanum with that view. She considered the plan of giving it to Fred whilst sleeping, but in some way Fred was aroused and suspected

that Alice had some design, either on her own life or that of Fred, and remained awake the greater part of the night. Alice showed her the bottle marked poison. The next day she went with Fred to the boat on her way home at Gold dust, carrying the bottle of laudanum with her. She locked herself and Fred in a stateroom on the boat, and took the contents of the bottle with suicidal intent. She suffered greatly for many days for this rash act. The reason assigned by Alice was that Fred loved Harry Bilger and Ashley Roselle, and she meant to end her existence and troubles and leave Fred free to become the wife of her choice of the young men named. She cautioned Fred if she wrote to her again as to what she might write, as she had no doubt she would be dead before it came to hand.

During this visit Alice manifested the most ardent attachment for Fred, and some days after Fred reached home she wrote Fred of her recovery, and then began again a regular correspondence, showing all the warmth of lover for lover.

In February, 1891, Alice proposed marriage. She repeated the offer in three separate letters. To each Fred replied, agreeing to become her wife. Alice wrote her upon the third promise that she would hold her to the engagement, and that she would kill her if she broke the promise.

Alice again visited Fred in June, 1891. She had saved from time to time small sums of money, amounting in the aggregate to about \$15. With this sum she purchased a ring, and on her June visit formally tendered it to Fred as their engagement ring, and Fred accepted it as such.

They were often seen in each other's embraces, and the married sister of Fred, Mrs. Volkmar, remarked that they were disgusting in their demonstrations of love for each other.

Alice felt a sense of shame in allowing others to see her hug and kiss Fred. She did not think it proper for lovers to be openly hugging and kissing. Fred did not take that view, and rather reproached Alice for being ashamed of showing her love for her in that way.

On leaving, Alice got a pledge that Fred would pay her a visit the coming November. Their engagement was a secret then only known to themselves.

It was agreed that Alice should be known as Alvin J. Ward, so that Fred could still call her by the pet name, Allie, and Fred was to be known as Mrs. A. J. Ward. The particulars of formal marriage and elopement were agreed upon. Alice was to put on man's apparel, and have her hair trimmed by a barber like a man; was to get the license to marry, and Fred was to procure the Rev. Dr. Patterson of Memphis, and of whose church she was a member, to perform the marriage ceremony, and if he declined, they intended to get a justice of the peace to marry them. The ceremony performed, they intended to leave for St. Louis. Alice was to continue to wear man's apparel, and meant to try and have a mustache, if it would please Fred.

She was going out to work for Fred in men's clothes.

In the latter part of June, 1891, Ashley Roselle, before mentioned, began to pay court to Fred, who gave him one of her photographs. The watchful vigilance of Alice got track of this affair, and she remonstrated warmly with Fred, and charged her with deception and infidelity. Fred acknowledged she had done wrong, vowed unshaken fidelity to Alice, and promised never more to offend.

The scheme of marrying and eloping seemed almost ready for execution in the latter part of July. Fred was to take a St. Louis packet at Golddust and come to Memphis and notify Alice of her arrival, and they were then to marry and go at once by boat to St. Louis, as they had agreed to do. The boat Fred was to take was to reach Golddust at night between 10 and 2 o'clock.

By chance, Mrs. Volkmar, the married sister before referred to, with whom Fred was living, saw part of the correspondence of the girls, which disclosed the relations between them, and the plan to elope and marry. She was surprised and indignant. She communicated the fact to her husband, and he determined to watch Fred and prevent her from taking the boat for Memphis. He suspected a man was at the bottom of the affair, and watched with his Winchester rifle. No man appeared. When the boat whistled announcing her arrival, he went to the room of Fred. He found a light burning in her room, and she was dressed, had her valise packed, and was

ready to take the boat. An exciting scene ensued. Mrs. Volkmar wrote to Mrs. Mitchell, the mother of Alice, and at the same time wrote Alice, returning the engagement ring and other love tokens, and declaring that all intercourse between the girls must at once cease. Mrs. Mitchell knew that Mrs. Volkmar was in feeble health, and thought that she had grossly exaggerated and misunderstood the matter. She told Alice of the letter received from Mrs. Volkmar. Alice listened in silence. Mrs. Mitchell destroyed the letter. She then knew nothing of Alice's secret.

The effect on Alice of the return of the engagement ring and the inhibition of all communication with Fred, was almost crushing. She wept, passed sleepless nights, lost her appetite, frequently declining even to come to the table.

She hid the returned tokens of love in the kitchen, in a cigar box, to which there was a lock and key. She would often go alone to this hiding place and gaze in an abstracted way upon these tokens of affection. She spent hours in the kitchen, alternately crying and laughing.

She told the cook that she was engaged to marry; said her father and mother were good to her; but her sisters were not kind. The cook supposed she was engaged to marry some man, and the sisters of Alice opposed the match. She had no notion that it was a woman she was engaged to marry. She thought they were not treating Alice right in the house, in some way, but did not know how. She thought Alice was not right in her mind. Alice showed her the engagement ring—would gaze upon it and pass from tears to laughter whilst doing so. The cook had a child about six years old, and Alice talked a great deal to this child—seemed to take a fancy to the child, in her distress. She said they would not lift her troubles off her.

In August and September the winter supply of coal for the family was being delivered, and she receipted five of the coal bills in the name of Fred Ward, and on being asked why she did so, replied that she was not conscious of doing so; that she was thinking of Fred, and used her name without knowing it. For weeks before the killing her eyes shone with a strange luster.

Alice was plump and round before the passion for Fred possessed her. After that she grew thin, and her face wore an anxious expression. She seemed absent and absorbed, and quite strange to her acquaintances.

That singularity of behavior which always characterized her, increased, until those who had long known her, concluded that she was mentally wrong.

November was the time when Fred was again to visit Memphis, according to her promise to Alice. On the first of November Alice clandestinely possessed herself of her father's razor. When she took it she was thinking of Fred. She feared they would take Fred from her. She could not bear the thought of losing her. Sooner than lose her, she would kill her. As she says, she had no use for the razor but to kill Fred. If she used it for that purpose, it would be because she loved her, and feared they would take her away.

Her father missed his razor, and inquired about it in Alice's hearing, but she left the room, lest she should be questioned about it. She secreted it, and generally carried it with her on going out after November 1st, thinking that she might meet Fred. She thought of Fred and the razor together, and had no use for it unless it became necessary to kill Fred with it.

In the hope of hearing something of Fred and ascertaining also if Ashley Roselle was likely again to make love to Fred, Alice wrote him in December, 1891, and in January, 1892.

To sound this matter in this correspondence with Roselle, who was almost a stranger to her, she gave expression to sentiments of regard which she did not feel for him, and never felt for any man. This correspondence continued to a date near the homicide. Her love for Fred, and her fear that Roselle, in some way, might be made the means of taking Fred from her, inspired this correspondence. She got her friend, Miss Johnson, to write to him, expressing her admiration for him, the real object being to try and see if he was again a lover of Fred. But not satisfied with Miss Johnson's efforts, she took the correspondence in her own hand. She also met him on the Rosa Lee several times, pretending to do so out of her regard for him, but only to discover, if she could,

how he felt toward Fred. This was in December, 1891, and January, 1892.

In January, 1892, Fred came to Memphis, but went to stay with Mrs. Kimbro, instead of Alice. She did not see or write to Alice, who had a burning desire to be with her, or receive some message from her. She tried to communicate with her by letter—wrote her two letters, and managed to get one of them into her hands during her stay at Mrs. Kimbro's. These letters told of her love in the most passionate terms. One was returned with the word "returned" written upon it in Fred's handwriting.

Alice sought opportunities to see Fred—to look upon her, to speak to her, but in vain. Fred's sister, or some one else, was on the lookout, and her desire was thus thwarted.

One day while upon the watch, she saw Fred go, unattended, into a photograph gallery. In a short time she came out, but did not observe or speak to Alice. She went from the photograph gallery to Mrs. Carroll's.

Alice thought of using the razor, which she had with her on the occasion, but found some difficulty in getting it out, and the feeling then to take the life of Fred with the razor passed off, and she returned to her home. At the time she thus thought of killing Fred, she loved her as much, or more, than ever. On January 18 Alice got the last letter she ever received from Fred. This letter told of Fred's continued love for Alice; but said she was not allowed to see her, or speak to her, and prayed the forgiveness of Alice.

Alice and Miss Lillian Johnson, an estimable neighbor girl, about the same age, were intimate, and loved each other, but as one girl loves another. She was aware of the ardent attachment of Alice for Fred, but did not at first suspect that it was different from the love of one girl for another.

Alice often took Miss Johnson in her buggy, and made her the companion of her drives. In her sorrow, she confided in Miss Johnson, who understood her on every subject, except the relations to Fred. This was incomprehensible. The inclement weather in the greater part of the month of January permitted no buggy-riding, and for many days prior to the killing of Fred, these girls had not been out driving. Miss

■

Johnson had never heard a word from Alice that did not breathe devotion to Fred. Her love and her grief at the separation filled her mind.

On the morning of the homicide, Alice had the buggy horse shod and engaged Miss Johnson to drive with her that evening. Alice, Miss Johnson and the nephew of the latter, about 6 years old, occupied the buggy in the evening drive. Alice knew that Fred would probably take the boat that evening for home. On the Friday before, she had gone with Miss Johnson on foot to the boat under the impression that Fred would leave on that day. Miss Johnson accompanied Alice to the boat at the request of the latter, who expressed a desire to see Fred again before she left. Fred was not on board, and the next trip of the boat would be on the following Monday evening, and Alice thought Fred would then leave for home. Without disclosing her purpose, she drove so as to meet Fred on her way to the boat. Josie Ward and Miss Purnell were with Fred. Alice turned her buggy on meeting Fred and her companions and drove in the direction that Fred was going. She drove slowly so as to keep nearly abreast of Fred and her companions. Miss Johnson's father was walking in the same direction and came to the buggy and gave his little grandson his gloves. Miss Johnson talked with her father as they drove along until they reached Union street, where he stopped. At one point the clothes of Fred became entangled or disarranged, and one of the girls with her relieved her from this embarrassment. They stopped a very short time in order to do so. Alice then drove still more slowly, so as not to pass them. At one time as they thus drove along, Alice slipped off her rubbers, and Miss Johnson suspected that she was going to leave the buggy and run to Fred and kiss her. But she remained in the buggy. When Madison street was reached, Alice still drove slowly, but passed Fred and her companions. She drove directly to the Customhouse, and all three got out of the buggy. In a few seconds Fred and her companions came up and turned north, in order to reach the way that led to the steamboat upon which Fred and her sister proposed to leave. Fred passed within less than two feet of Alice, who turned to Miss Johnson and said: "Oh, Lil; Fred winked at me." In a few sec-

onds Alice said she must see Fred once more, and walked after Fred. She soon overtook her, and without a word cut her with a razor. Fred's sister undertook to interfere, but was slightly cut by Alice and forced to retire. Alice then turned upon Fred and again cut her, one of the wounds being mortal, cutting her throat almost from ear to ear. Fred fell to the earth and Alice ascended the steep walk to the buggy, in which she found Miss Johnson and her nephew. Alice had cut her own hand in the struggle. Miss Johnson heard some one cry out, "She has cut that woman's throat," and supposing by Alice's appearance, her hat being off and the blood flowing from the wound in her hand, that some one had cut Alice, she asked her what they had done to her. Alice paid no attention to her question, but putting her foot on the hub of one of the buggy wheels, sprang into the buggy. She seized the reins, took the whip and drove off at a rapid rate, lashing the horse to his full speed. She drove north until Court street was reached, then east until she got to Main street, and south on Main, the most public street in the city, until she reached Monroe, a distance of several hundred yards, and thence by the way of Monroe and Union streets until she reached home.

Persons who saw the prisoner as she ascended the hill from the scene of the homicide, describe her as almost in a run, looking wildly, with her hat off and her hair disheveled and streaming down behind her, and her face bloody. She moved with a quick, determined step to the buggy in which Lillian Johnson and her little nephew were seated, and seemed to take possession of it by violence—seizing the reins and grabbing the whip she lashed the horse and moved off at a dangerous speed. One of these persons followed her, fearing that she would overturn the buggy and injure the occupants. This person supposed from her appearance and manners that she was insane, and had violently taken possession of the buggy of some other person and was driving it in her mad fury in the most reckless manner. He followed her until she reached Main street. Her manner and the speed at which she was driving impressed those who witnessed her actions with the belief that she was crazy.

As they dashed along, she asked Miss Johnson if there was

not blood on her face, and being told that there was, she requested Miss Johnson to take her handkerchief and wipe it off, but instantly checked her by saying, "No, let it remain; it is Fred's blood, and I love her so." Miss Johnson asked her what she had done. She replied, "Cut Fred." On reaching home, Alice drove in the back way, and on entering the house, asked for her mother, who was not in, and turning to her sister, said, "Do not excite my mother," but declined to say what had occurred. Presently her mother came, and she told her that she had cut Fred's throat. She appeared to be quite nervous. The blood was washed from her face, her cut fingers were tied up, and by that time, the chief of police arrived and told Mrs. Mitchell that he had come to arrest one of her daughters. She asked him not to take her away until her father could see her. He soon came, and Alice then went with the chief of police to the county jail. She appeared to be cool, and said she cut Fred because she loved her and because Fred did not speak to her. That night and the next morning she did not seem to realize that she had committed a criminal act. Nor does she yet realize it.

Alice intended to follow Fred on the boat and there kill her. Why she did so before she got on the boat she cannot tell. In her language, she more than loved Fred. She took her life because she had told her she would, and because it was her duty to do it. The best thing would have been the marriage, the next best thing was to kill Fred. That would make it sure that no one else could get her, and would keep her word to Fred. She saw no wrong in keeping her word and doing her duty, and now sees none.

On being asked when in the act of taking the life of Fred what she was doing, according to her own version she replied: "What I intended to do, and I don't care if I am hung for it," and according to another: "What I intended; I want to die anyhow."

A significant incident occurred on the morning of the homicide. In giving an account of it, the manner and actions of the prisoner are striking. She details the circumstances in the most artless and unreserved manner. She drops her voice to a low tone, and her face assumes a sharp and alert expres-

sion. She discovered her sister, so she says, looking for something in a drawer in which she had the razor concealed, it being inclosed in an old spectacle case. She watched closely. Her sister in her search put her hand on the spectacle case containing the razor. Instantly she seized it, taking it from her, hurried out of the room, took it out of the spectacle case, wrapped it in a rag and concealed it at another point. The occurrence gave her the greatest concern, and she exclaims in describing it: "What would I have done if she had got the razor?" Being asked why she wanted the razor, she replied: "To do what I did with it." Being further asked if she could not have used something else, her reply was: "I don't know; I never thought of it."

For many nights before the killing, she was all the time dreaming of Fred. She says she now sees Fred, when awake and asleep, and can't understand that Fred is dead.

She shows no remorse nor regret for the bloody deed, but weeps when her love for Fred is referred to.

On the night of the homicide, on being asked if she and Fred had run off and married in St. Louis, what they would have done, she looked puzzled; said that she had never thought of that, and in turn inquired, what would they have done?

On the next morning she asked where Fred was. She showed no feeling or emotion when making this inquiry. Being told that her body was at Stanley & Hinton's, she turned to her mother, and with great feeling and with tears pouring from her eyes, begged her mother to take her to Fred and let her lie down with her.

She kisses passionately all the pictures and cuts of Fred she can lay hands on, and hunts the newspapers for them.

She is anxious that the attorney-general shall ask her more questions than he asked Miss Johnson on the application for bail, and that more persons shall attend her trial than did Miss Johnson's.

Alice J. Mitchell has been tenderly and carefully brought up by Christian parents. Her family is one of the best in Memphis, and Fred Ward's family is above exception.

Nothing coarse or immoral is known of Alice or Fred.

Alice was a slow pupil at school. Efforts to teach her music

and drawing were a failure. She would ask to have instructions repeated in a confused and absent way. She could not get her mind on the subject or remember what was said to her. The teachers were of opinion that she was badly balanced and not of sound mind. Since quitting school she has shown no taste for books or newspapers, and reads neither the one nor the other.

[The above facts were fully proven in court and in the form of a hypothetical case, but as such, was not submitted to the medical experts.]—ED.

Day after day passed, until Saturday of the first week was reached, before the above general facts were fully proven, and the

EXPERT TESTIMONY INTRODUCED.

The first physician placed upon the stand was the writer,* who said :

I have been practicing medicine in this city for nearly forty years, and have made diseases of the mind and nervous system a special study. I occupy the Chair of the Principles and Practice of Medicine in the Memphis Hospital Medical College, from which chair these diseases are taught. I know Alice Mitchell. I visited her at the county jail a few days after the homicide. I went there for the purpose of inquiring into her mental condition. I found it impossible to elicit feeling or emotion in regard to the tragedy, but when her mind was directed to the relationship that had previously existed between herself and Miss Ward, she invariably broke down and sobbed bitterly.

[At this point in the testimony some of the conversation was quoted, but, as Alice was subsequently placed on the stand, we will omit this and publish her statement, as it is full of interest to the alienist.]—ED.

I have no hesitancy in stating that Alice Mitchell is insane, and probably incurably so. I believe her insanity due to and classified as "Imperative Conceptions," under which heading

*The testimony of each physician was given in answer to questions propounded by the attorneys; hence, the lack of systemization.

a variety of evidences of mental abnormalities are included. Such subjects are not necessarily visibly insane. As in other varieties of insanity there are found various degrees and characters of delusional ideas, imperative conceptions differ from delusions only in the fact that the subject of the former can reason himself out of them, while in the latter the logical powers are more markedly perverted. The distinction between the two is not fully appreciated without examples for illustration, and even then, without other mental digressions, the lines of demarcation are often discernible only when insane tendencies dominate the will power, and violence completes the history of the malady. Faulty ideas or delusions, then, form a fundamental part of imperative conceptions, as well as many other forms of mental disturbance. It is in this sense that I here use the word delusion, and not to refer to delusional insanity—monomania—paranoia.

An insane person may go through life without committing an overt act demonstrating his or her insanity. Any overt demonstration in such cases may be due to exciting causes, and if such peculiar circumstances fail to present themselves the insanity or mental unsoundness may never be known outside of a limited circle. Self-abuse and excesses in sexual indulgence unquestionably have deleterious influences upon the brain and nervous system. Of course whatever affects the brain affects the nervous system as well, for they are really anatomical subdivisions of one common whole. Persons of insane temperaments suffer much more readily and gravely from exciting causes of mental derangement than those who are free from such taints. Diseases of the brain and nervous system are transmissible, and more so via the mother than the father. It is a scientific and well-authenticated fact that the child's mental as well as its physical welfare depends largely upon the maternal mental and physical condition during the periods of gestation and lactation. If it were shown that the mother was mentally disturbed during gestation, the mental unsoundness of the offspring might be traced directly to this source. Indeed, the condition of the mother even antedating the pregnancy must have much to do with the mental and physical perfection of the children, as she fur-

nishes the egg or female element of generation, in which the offspring is to form, and from which it for a time derives its entire subsistence and maintains its growth.

Analogy teaches us that the physical deformities discoverable at birth are often, if not always, due to injuries sustained by the egg. Brain disturbances following injuries to the germ in the lower animal, where such experiments are practicable, are not so easy of detection. All diseases of the brain and nervous system are transmissible. It does not necessarily follow, however, that if the parent has epilepsy, the child will have the same form of neuropathy. Chorea, catalepsy, dipsomania, paranoia, with or without imperative conceptions, may follow epilepsy, or vice versa. The diseased condition of the nervous system induced by drunkenness may produce any neuropathy known to the alienist. Any form of mental disturbance in which there are observed melancholia, delusions or illusions, with unfounded prejudices and homicidal tendency toward stepchild or other person, is transmissible. The offspring of a mother suffering from such mental condition may not alike inherit the neuropathy. One or more may become the victims, or the entire generation escape and the disease disappear entirely, or reappear in subsequent generations. The fact that hereditary maladies may skip one or more generations and reappear, is so well known to the profession that the tendency has been honored with recognition as "atavism."

There has been submitted to this court no evidence of sexual depravity. There are certainly good reasons for concluding that excesses in this line of action have had nothing to do with the condition of the prisoner. No one who has been in the practice of medicine for any length of time could have failed to observe a class of sexual debauchees. This class of patients undermine their general health by their practices, and become the subjects of delusions as the result. In other words, the sexual exhaustion is the cause of the mental alienation. In such the mental disease partakes more of a downcast and melancholy character, without object, aim, or spirit to attempt the logical defense of impressions or delusions. On the contrary, persons who have inherited the insane undercurrent

have pathological brain inheritance, mind disease inheritance, an insanity pre-existing the development of the sexual appetite. As alienists have observed, the brain condition is sometimes the *cause* of over-sexual desire, as well as the converse. To explain, mental unsoundness may *follow* sexual debauchery, or sexual debauchery may be the *result* of insanity. In the case of the prisoner there is no evidence before this court to show that the sexual system played any part whatever in the insanity. I therefore regard the feeling existing in this instance as purely platonic love, and just such love as exists between the opposite sexes before marriage. As the sexual instinct is the normal foundation upon which rests such feelings with the entire human family, so the same instinct, under the dominating power of an insane temperament, was the guide that led Alice Mitchell to place her affections upon one of her own sex. The Imperative Conceptions evidently tyrannized her, and were as firmly fixed as any other form of systematized insane ideas. Imperative conceptions are more common in the female than in the male, and in the youthful and weak-minded. Imperative conceptions may at any time lead to an imperative act, or as English writers term it, a "morbid impulse." Yes, some are insane on certain topics and appear perfectly rational on others. You would probably appreciate this fact more readily if I give you a historical instance: Lord Cornbury, a cousin of Queen Anne, and a son of Lord Clarendon, was at one time governor of the colony of New York. During this time "his greatest pleasure was to dress himself as a woman, and the good citizens of New York frequently saw their governor, the commander of the colonial troops, and a scion of the royal stock, promenading the walls of the little fort at the Bowling Green, with all of the coquetry of a woman and the gestures of a courtesan." The people became disgusted with him and demanded his recall. After returning home, he was smart enough to secure membership in the British House of Lords. Yes, this condition has been described by leading authors under various headings, as monomania, delusional insanity and paranoia.

No physical examination was made of the prisoner. Had the case been viewed as a purely *sexual* pervert, an examination

•

might have thrown some light on the subject, but as there is no evidence that such is the case, nothing of the kind has been suggested. Insanity, like diseases of the body, is recognized and classified by trains of symptoms. When you leave out a part of these symptoms, and ask me if those you have formulated represent insanity, you remove some of the links from a recognizable chain, and in consequence I am compelled to say no, or I don't know. I am not willing to accept the act itself—the committal of a horrid crime, a bloody deed—as definite evidence of insanity when unaccompanied by other proofs; but as an isolated evidence of absolute and uncontrollable mania, I regard the act committed by the prisoner as unusually convincing.

TESTIMONY OF B. F. TURNER, M.D.*

I am a practicing physician of two years' standing in Memphis, having studied in New York and Baltimore, and having made diseases of the mind and nervous system a special study. Medical men regard as of the highest importance any tendency to disease in the parent. The child generally resembles the parent in a pathological or an anatomical way. There may be a tendency to insanity from heredity. This tendency is called a predisposing cause. There are exciting causes, which, when operating upon the predisposing causes, sometimes develop the latent insanity. Almost any influence that could act upon an individual might prove an exciting cause, as a personal injury, overwork, emotion, pregnancy in the female, or any form of disease, might excite the outbreak of lunacy. Love, jealousy, disappointment, grief, are all exciting causes. The emotions play a powerful part as such causes. Passions, such as anger, love and jealousy, may exist in a person of insane temperament as well as in a person of sound mind. The child is more liable to inherit the traits of its mother than of the father, on account of the more intimate relations of the mother with the embryo.

The child would inherit the same tendency to insanity as that of the mother to a greater or less degree.

* Taken from the daily papers.

Knowing beforehand the tendencies of the mother, I would look upon Alice's perverted love as a manifestation of the same tendency to derangement as existed in the mother. I would regard it as insanity. I would say that the tendency that was manifested once would be liable to reappear throughout the whole life of the subject. Such a tendency might exist through the entire life of the subject and never develop so as to be observable.

I saw Alice four times. There was some one present at each visit. I talked with her. She did not appear to be depressed on account of the deed she had committed. She did not seem oppressed with the idea of having committed any crime.

The witness was then led to detail the circumstances of his visits to Alice at the jail. The first visit was a few days after the homicide, and Alice talked about the possibility of marrying another young lady. The doctor related their conversation.

Alice's system of logic.—"Alice," I said, "Do you not know you could not have married another young lady?" "Oh, I could have married Freda," she replied. "But some one usually has to support a family in a case like that," I suggested. "I know it, but I was going to work and support both," she answered. "But a girl like you could not earn enough for both." "But I was going to dress as a man. I was going to have a mustache." "How were you going to raise it?" "By shaving." "But," I said, "Miss Mitchell, do you not know that usually when young people get married they look forward to the time when they shall have children growing up around them?" "Oh, yes, sir." "Well, did you and Freda propose to have children?" "No, we were not going to have children." "How do you know you were not?" "Oh, I know we were not."

Typical case of insanity.—The doctor further gave an interesting example of how it is impossible in some instances to argue a patient out of an irrational delusion that may have taken possession of him. Such is the case of the man who entertained the belief that he was a mile high, though, in fact, he was of but moderate stature. He was placed beside

a man much taller than himself, and was asked which was the taller, himself or the other. He announced that the other was the taller, of course. Then it was explained to him that the other man was only six foot tall, and he was asked: Now, if this man is but six foot tall, and you are not as tall as he, how can you be a mile tall? He could not answer the question, yet persisted that he was a mile high.

The witness went on to say: "I think I got honest answers from the girl, for she seemed to place much confidence in me; and the impression I got was that the relations between her and her companion were not marked by anything that could compromise either of them."

"Doctor, from all that you heard and saw of the defendant, Alice Mitchell, would you say she is now sane or insane?" asked Col. Gantt. "I would say she is now insane; and I do not think her malady curable."

That ended the direct examination, and the witness was taken in hand by the attorney-general for cross examination.

Dr. Turner cross-examined.—I have made a special study of the nervous system and brain as a student and practicing physician. The cases I have met in Memphis have not been of an extraordinary type and did not require special study. None of the cases I have treated in Memphis have gone to an asylum. Some of them are dead. I can recall one case I treated that recovered. The doctor explained the character of that case, and then went into a definition of insanity. The attorney-general undertook to trip the witness on the definition he gave, and he tried hard and learnedly, but the witness was pretty slippery himself, and his definition was never shaken. The attorney-general dropped that part of the inquiry and directed the doctor's mind back to the matter of his practice and experience with insanity, the purpose being to elicit some information as to the witness' knowledge of insanity.

"Doctor," asked the attorney-general, "could you talk to a patient an hour or two and tell as to his mental condition?" "Well," was the response, "I do not see why not, as well as a surgeon might diagnose a case in his line on one visit.

From a few hours' conversation I think, in most cases, I could get a very strong impression as to the patient's mind."

The witness then went on: "When I examined Alice Mitchell I did not examine her eyes, tongue, skin, pulse and such things which, sometimes, may show indications of insanity, except that she did not talk like a mature girl of her age. While she is nearly twenty years of age, she talked like a girl five years younger."

"Doctor," said the attorney-general, "if a mother were the subject of puerperal insanity at the time of pregnancy, would you say such insanity was transmissible to the offspring?" "I would say the mother, previous to her attack of insanity, had the insane tendency, and the state of pregnancy, acting as an exciting cause, brought on the manifestation of insanity. The tendency to insanity would be transmissible."

Alice's case classified.—"Doctor, how would you classify this insanity of Alice Mitchell?" "Considering the homicide as the most important of the manifestations of her insanity, I should call it 'imperative impulse.'"

"How do you define these technical imperative impulses?" "Well, the subject may be the victim of either one of two conditions; his impulse to do a thing may be of normal power, but he lacks the power to resist it; or his power of resistance may be normal and the impulse to do a thing may be abnormally pronounced and override his power of resistance. It is like a man controlling a horse. The horse may run because the man may be sick and weak, or the man, although strong enough, cannot hold the horse, because he is so powerful and vicious.

"Doctor," asked the attorney-general, "is the fact that one girl passionately loves another, proof of insanity, according to your scheme of theorizing?" "No, sir; not in itself."

"Well, but suppose that that love went to the extent that one of the girls wants to marry, without any view to raising children, even with the explanation Alice gave you of her case, does that indicate insanity?" "I would consider it as indicative of an insane tendency, though it would not be conclusive proof by any means."

"Is there authority in any of the law or medical records for classifying perverted affections as proof of insanity?"

The answer to this was that if the perverted affections were slight they would not be indicative of insanity, but if they were extremely passionate they might be indicative of insanity. It is hard to draw the line on a hypothetical case, but the line must be drawn somewhere on these cases of perverted affections as between sanity and insanity.

"Doctor," asked the attorney-general, "did Alice Mitchell, when she talked to you in jail, say anything about her visiting the boat looking for the Ward girls on the Friday before the killing?" "Yes; she talked quite freely to me. I said to her at the time, 'Miss Mitchell, you must know that at some time or other there will be an investigation of this case of yours, and I want you to tell—'"

A legal point raised.—"What's that? What's that, sir?" called out Judge DuBose. "Is that the manner in which you got your information from Miss Mitchell?" "Yes, sir," answered the witness, "I—" "That'll do," thundered the judge. "Gentlemen," continued his Honor, addressing counsel for the defense, "this whole proof is inadmissible under all authorities. Now, gentlemen. I have looked over the authorities on this point. I have looked over the cases you have cited, and none of them refer to a case like this. I have some authorities here from the North Carolina records, which I shall read." And the judge read a couple of cases and then commented: "Under these rulings I do not see how I can admit any of this proof."

Col. Gantt responded briefly to the judge. "The cases your Honor has quoted," he said, "differ in the most material point from the case we are now engaged upon. Those cases were murder trials, where the plea of insanity was made. This is a case of present insanity. Of course we are not prepared here now, at this unexpected time, to show our authorities, for we did not expect the objection would be interposed here by your Honor." "But I am here to hold this inquiry and judge the quality of the proof," interrupted his Honor. "Certainly," went on Col. Gantt, "that is your Honor's business. But we had not anticipated any objection on this point at

this time, for the State's representative on a former occasion agreed with us that all that Alice Mitchell said after the killing was admissible in evidence."

Judge DuBose read from Wharton on Evidence to sustain his point, and then Gen. Wright made a powerful extemporaneous argument.

Gen. Wright said: "The jury can only judge of a person's insanity by his acts and words. The brain cells of the subject may not be dissected and viewed. Acts and words are the only proof. All the acts and words of the defendant since the killing are necessary to establish this case. Suppose this girl had to be put in a straight jacket since the killing in order to prevent her from committing suicide, does your Honor mean to say such a fact should not be given to the jury? And yet she may have feigned the desire to commit suicide. It would clearly be wrong to exclude such testimony. And if an act of the defendant's could not be excluded neither could words."

Finally Judge DuBose said: "Gen. Wright, you and the court differ only on one small point. I admit it is necessary for an expert to converse with a subject in order to ascertain the subject's mental condition, and the testimony of such expert must be admitted, as it is only by such expert testimony that we can establish proof of sanity or insanity. But I hold that no words of the defendant are admissible as proof of fact when made in view of future litigation."

There was more argument, and a corps of deputy sheriffs and messengers was kept busy between the courtroom and the law library bringing in books, until the judge's stand and the lawyers' table were loaded down with the weight of calf-bound legal lore. The jury was given a recess for a time while the argument went on. This lasted for a half hour, and finally the court was convinced that the defense had the better of the situation, and the testimony was not excluded.

The basis of the opinion.—The examination of the witness, Dr. Turner, went on, conducted by the attorney-general. Witness said: "One of the most important facts upon which I base my opinion of the mental condition of Alice Mitchell, is the fact that she expressed no regret at the deed she had accomplished. Nor did she exhibit exultation. She was

passive. "And," asked the attorney-general, "from the fact you found her entirely without emotion, you took it as an indication of insanity?" "Yes, a strong indication."

"Well, doctor, if you had found her in a high state of glee, would you not have said that also was an evidence of insanity?" "I can't say I would. I would take that in connection with other facts. I could not diagnose a case of insanity upon one particular incident." "Doctor, have you observed the conduct of the defendant during this trial?" "Yes, but only to-day." "How should you expect a crazy person to act in the course of a trial like this?" "That is impossible for me to answer. There are innumerable possibilities connected with the mental condition of the subject." "Do you think Alice Mitchell is conducting herself sanely now?" "I think so." "Have you observed the conformation of her countenance?" "Yes, in a general way." "Do you consider that the appearance of her face indicates insanity?" "I cannot say that it indicates either sanity or insanity."

Defendant still insane.—Judge DuBose asked the witness a few questions before he left the stand.

"Doctor," asked the judge, "it is some time since you made the examination of defendant upon which you base the opinions you have just expressed?" "Yes, some time." "Have you made a recent examination of her?" "No, sir." "Have you spoken to her lately?" "Yes, as I came in I shook hands with her and said, 'good-day,' and 'how do you do?'" "Did her answer appear sane?" "Yes, it was a sane answer." That will do. You may go," ordered the judge. "Hold on a moment," called Col. Gantt to the witness, "I want to put another question. Did you state to the judge that Alice Mitchell is sane to-day?" "Yes, I understood the witness to say the defendant is sane to-day," said the judge, answering for the witness. "I beg pardon; I do not want to contradict his Honor," said the witness, "but I intended to say that the witness spoke sanely to-day, not that she is sane to-day." "Well," continued Col. Gantt, "as a matter of fact, do you consider the defendant sane to-day?" "No, I do not. From the symptoms she exhibited previously,

and the opinion I then formed of her malady, I am satisfied that she has not recovered her sanity, and that she may never be cured."

That ended the examination of Dr. Turner, and he was dismissed from the stand.

TESTIMONY OF E. P. SALE, M.D.

Dr. E. P. Sale was the first witness introduced. He had practiced medicine in Aberdeen, Miss., before coming to Memphis, and graduated at the University of Louisiana. He had also studied medicine in Paris, London and Edinburgh. He had studied nervous diseases peculiar to women and children. The mother was more liable to transmit disease to the offspring than the father was. If the mother was insane, the child was apt to inherit a predisposition to insanity.

The witness saw Alice Mitchell last Sunday at the jail, and conversed with her about the tragedy.

Judge DuBose here interrupted the examination by instructing the examining counsel to first get the witness' opinion, and then ask him upon what he based it.

Col. Gantt then proceeded to question the witness hypothetically. He stated that in view of Alice's peculiar actions, her family history, and her extraordinary relations with Freda Ward, his opinion was that she was of unsound mind.

His first impression after he had seen Alice Mitchell was that she was younger than he had expected to find her, and that there was a lack of symmetry in her face, the right side being larger than the left.

The witness conversed with her fully about the tragedy, and Alice told him all about it. She thought of killing Freda Ward at one time on Elliott street, but for lack of a favorable opportunity did not attempt it. She had the razor with her on that occasion, but, as she had a bone felon on her finger, which made it difficult to get at the weapon, without invoking the assistance of her friend, Miss Johnson, who was with her, and whom she did not desire to acquaint with her purpose, she desisted.

She told the witness that, on the day of the killing, she thought that if Freda spoke to her she would not kill her, but that if she did not, she would. Freda only winked at her, and this she did not consider a satisfactory recognition. She was then seized with the desire to take Freda's life, and, acting upon the impulse, advanced upon her with the razor, intending to kill her with one stroke, but when Joe Ward said, "You dirty dog, you will swing for this," she became so enraged that she began to cut and slash generally, and became a maniac. From that point she remembered nothing that happened until she reached the top of the hill.

Gen. Peters here took the witness and questioned him closely as to his opportunities of gaining his knowledge of insanity and its treatment. The witness could not state just how many insane patients he had treated during his career as a practitioner, but he had seen about as many as a physician in common practice ordinarily treats. He had frequently visited insane asylums, and remained there a day or two at a time. He did not think that a lack of symmetry in the face, and the use of the left instead of the right hand, were indications of insanity taken alone, but in connection with other peculiarities, he thought these departures from the normal condition would have their weight. He thought that the love which existed between Alice Mitchell and Freda Ward was an insane or pathological love. He did not think that extreme jealousy was insanity.

The witness thought the manifestations of love between Alice Mitchell and Freda Ward were very extraordinary, and were of themselves indicative of insanity. He thought that if Alice Mitchell went down to the levee for the purpose of killing Freda Ward, assuming that she was a girl of very violent temper, the act was consistent with a certain degree of rationality.

The witness did not know, however, that Alice Mitchell was a woman of very violent temper. If he had not talked to her, believing that she was insane, he would have considered her so from a conversation with her. He had no preconceived idea of her mental condition before seeing her.

The prisoner's great indifference and unconcern in speaking about the tragedy were regarded by the witness as very peculiar.

TESTIMONY OF J. H. CALLENDAR, M.D.

My name is John H. Callendar. I am a physician. For more than half of a professional life of thirty-seven years my specialty has been diseases of the brain and nervous system. I am the Medical Superintendent of the Central Hospital for the Insane of the State of Tennessee, and have been for twenty-two years. The other hospitals for the insane in this State are not branches of that, and I have no connection with them. I am and have been for twelve years Professor of Psychology and Diseases of the Brain and Nervous System in the University of Nashville and Vanderbilt University. I am also a member of the American Medico-Legal Society in the city of New York, and at one time President of the American Medico-Psychological Association.

From previous answers it may be inferred that my opportunities for the study of mental unsoundness have been exceptionally great, having for more than twenty years made the subject a special study, both for the performance of my official duties and for the instruction of others. I have been a close observer of the insane, and of the characteristics of insanity in all its recognized forms.

Hereditv of insanity and the graver disorders of the nervous system is a fact universally conceded, and the opinion is almost as universally held by special observers that it is first in importance and frequency as a *special predisposing cause* of insanity and of all types of mental unsoundness. The transmissibility of disorders of the brain and nervous system is greater from the mother to the offspring than from the father, and the remark is true of all other transmissible or constitutional diseases, and is physiologically due to the fact that the mother not only contributes an equal share in the generative act, but that she also, in gestation and lactation, gives nutritive material of her own body to the product of generation for a considerable time. It is also held that female children more frequently

inherit the constitutional diseases of parents, especially of mothers.

The insane temperament, or a constitutional predisposition to become insane, when the subject is exposed to exciting causes — moral or physical — is, I believe, universally admitted. This predisposition, or constitutional tendency, is the condition transmitted when we speak of inherited insanity. One does not inherit always a special type of insanity. An insane parent may be the subject of attacks of mania, and the offspring may become insane with melancholia, dementia, paranoia, hysteria, or imbecility. The form of insanity is more or less due to the form of the exciting cause. However, the characteristics of the insanity of a parent often show themselves in that of the child.

The subject of the insane temperament may, under favoring circumstances, pass through life without an attack of insanity. There are degrees of intensity of this temperament. When it is marked, the conditions for an attack of insanity in some form are always present, needing only some adequate exciting cause to produce it, either of a physical or moral character. Some exciting causes—an attack of disease, fever for instance—may so lower general vitality that the inherited taint, hitherto repressed by the conservative forces of health and normal vigor, now break forth; or the exciting cause may be some profound shock to the emotional nature: grief, disappointment, anger, jealousy, or the disturbance violently of any of the passions or feelings.

As answered above, emotional disturbances play a most important part in the excitation of the insane predisposition to violent activity, and in the direct production of attacks of insanity in the absence of any known constitutional predisposition. Emotional causes of insanity are also more frequently observed, and are more powerful in the female subject, as their nervous systems, even when sound, are more mobile and easily thrown into perturbation.

The assumptions stated would show first, that insanity or the predisposition to it was a constitutional infirmity of the family stock; second, that the mother in the case assumed was of a strongly-marked insane temperament—indeed, an

insane person—in other words, that the attacks of puerperal insanity at the birth of her children, were not merely incidents of the travail and labor, but unavoidable and necessary manifestations of her constitutional insanity, and that probably such a person never fully recovered from these repeated acute attacks, but, that in their intervals she was never reliably sane, and that this condition would be shown in habitual melancholy, or in peevishness, irritability, fickleness, or may be, in distinct delusions of some kind; and third, that the child born of such a mother showing well-marked delusions with either homicidal or suicidal tendencies, would be quite likely to inherit the constitutional taint of the mother, and under provocative exciting causes—either physical or moral—would with equal likelihood develop insanity; and this insanity, as I have said in a previous answer, might display the characteristics of the form of insanity suffered by the mother during pregnancy, and at the birth of such child, with the accompanying tendency to homicidal or suicidal acts. The child under this assumption, as above said, with strong probability would be the subject of the insane temperament, and the perverted passion described, more ardent, intense and all-engrossing than the normal passion, for such is the characteristic of such perversions, being as they are, morbid in their nature, might well be regarded as an evidence and manifestation of insanity in itself. The abrupt and violent interruption to the course of such a passion would be a profound shock to one the subject of it, and might excite an attack of acute and maniacal insanity, or organize in the excited and deranged mind an Imperative Conception, or systematized delusion, likely to have for its object acts of an extreme and desperate nature. Either this or a melancholy with suicidal propensities, might be the expected result, or a condition of mind indicating dementia or partial imbecility. In the nerve-storm of such a shock to an organization constitutionally weak as to the nervous system, all these moods of insanity might alternate or mingle, and if a female be accompanied with hysterical agitation, and when the storm had spent its fury, the mind of such a subject would settle down into either confirmed melancholy or partial imbecility as a probable ending.

[Dr. W. A. Hammond enjoys a high reputation as an authority on mental and nervous diseases, and has published a number of works on these subjects, some of which are regarded as standards in the specialty.]

I am not acquainted with the professional standing of Dr. Comstock. Dr. Fletcher was for some years the Medical Superintendent of the Central Indiana Hospital for the Insane, and is now, I believe, in charge of a private hospital. He has had a large experience and has a very reputable standing in the profession. The same may be said of Dr. Ingram of New York City.

The hypothetical statement, in my opinion, describes the history, mental condition and conduct of Alice Mitchell to be that of an insane person.

The history, to the time of her contact with Freda Ward, and contracting for her morbid passionate attachment she ever since has displayed, is characterized by marked eccentricity, by feebleness of understanding, and general unnatural disposition and conduct. This impresses me as the expression of an inherited taint or predisposition derived, as the narrative would indicate, directly from her mother, who was of a stock so tainted with insanity, and herself the subject of it. At the age of puberty, or shortly thereafter, that being a critical period in the life of all females to a greater or less degree, and markedly so in those dowered with the predisposition to insanity, the morbid tendency exhibits itself in actual mental disease, which takes the form of this unnatural and perverted passion, and from that time onward dominates her entire being—her feelings, her will, her conduct—and is the all-absorbing thought of her feeble intellect. Its intensity sharpens her faculties, and excites to great heat her whole emotional nature, and the delusion that a formal and legal marriage to one of her own sex is possible, is begotten. She becomes shrewd and secretive as she ardently pursues that delusion, and morbidly jealous, threatening the life of the object of her passion if she is abandoned, but only avowing her threats to that object—a characteristic of homicidal insanity frequently observed. Suddenly all her scheme of life under this passionate delusion is interrupted and aborted, and

the object of her morbid attachment, who had seemed to reciprocate and encourage her plans, grows indifferent and returns her letters. Even before this, in the torment of her insane jealousy, she has meditated and attempted to take her life by poison, and failing in that, attempted self-destruction with the same poison. It is a well-observed fact, that in the insane mind the propensity to homicide and suicide seem to spring from the same germ, and the moods to alternate with each other. The insane person conceiving a homicide is not unlikely, under some passing circumstance or caprice, to commit suicide. The insane girl now becomes hysterical and at times melancholy, as the narrative describes her, and out of this condition there is evolved an Imperative Conception. From November, when she secured the razor, her will power was subdued to the accomplishment of that conception, down to the moment of the tragedy, and she was powerless to resist it. In this, she showed another characteristic of the insane mind—vacillation of purpose—even when armed with the razor and watching for Miss Ward at the photographer's gallery, explaining the forbearance on the pretext that she could not conveniently get at her weapon. Finally, at the prospect of the departure of her intended victim from her reach, with an outward calm but a hysterical mania driving her to her purpose, she pursues and slays. After the act, her state of mind is temporarily one of violence and confusion, and this is succeeded by another state of calm and content, which she still maintains. I believe the immediate act to have been the result of an attack of hysterical mania—the sudden mood of an insane condition of mind which had existed for a considerable time, varying at different periods of its degree and form, as constitutional insanity frequently does.

On July 12th last, at the jail of Shelby county, I spent several hours in observation and conversation with Alice Mitchell, described to me as the same person referred to in the hypothetical statement.

Physically, she is a well-developed person of her age, and not unprepossessing in features and appearance. Mentally, I thought her much below the understanding one would have looked for in the person she appeared to be.

The expression of her countenance viewed from the front conveyed to me an idea of weakness and vacuity of thought, and the conversation confirmed it. Her profile view is better as to the matter of intelligence. I am quite of the opinion that she has not the mental capacity to be looked for in a person of twenty years of age, and that her dull and feeble mind has not received education or cultivation, and is not able to receive much now, and probably never was.

The inquiry and conversation was almost wholly with reference to her relations to Freda Ward, and the taking of her life—going over, in great part, the whole history and the detail of the homicide. I was impressed with her remark upon the act which brought out the fact that she did not purpose to kill her at the time and place it occurred—that it was her intention to follow the party on the steamboat where, as she thought, she could get a better opportunity with her razor. Freda Ward's falling behind the party to take care of her overshoe, as I remember, Alice construed as an invitation to her to strike then, as "Freda knew she was going to kill her." This seemed to be Alice's thought. She had previously said that she proposed, when she had killed Freda on the boat, to kill herself. When asked why, when she had cut Freda's throat, she did not cut her own, she said she "forgot all about that part of it," and she did not know what she did, or why she did not take her own life as she had proposed.

The sole motive she expressed, or gave any other evidence of, was that she loved her and could not bear the thought of losing her, or having any other person to share her affection for her, and that her death would insure against the possibility of the latter.

The only benefit she expected from Freda Ward's death was that just stated. She expressed none other.

That of devoted attachment on her part, and up to the time the contemplated marriage was defeated, the anticipation that she would be united in marriage to Freda. She expressed passionate love to the time of the killing, and love for her memory, as she was constantly in her thoughts now, but showed no regret or compunction for the act, but rather sat-

istaction and contentment that she was safe from what she most dreaded—that some one else would have her.

Her manner and her answers were as artless and simple as those of a child, and I felt during the interview that I was talking to a child. There was no appearance of an effort at evasion or concealment of any feeling she had ever had, or fact that she remembered. She made herself and motives perfectly transparent—notably so.

She spoke of the vial of laudanum she had in her possession. Tried to give it to Freda Ward first, during her sleep, but in this she failed. Afterward to take her own life in the stateroom of the steamboat in the presence of Freda Ward.

She told me it was her father's razor, and that she secured and secreted it about the first of November, 1891, and that she carried it on her person whenever she went from her home afterward. She said she got it and carried it to kill Freda with. She had told no one but Freda of her meditated suicide, or of her purpose to kill Freda. She had both written to Freda her threat of the latter, and told her in person, as I remember.

She seemed to have been, from her statements, always in apprehension that Freda would prove false to her, and the marriage prevented, and that her killing would prevent any such result. Everything she said to me indicated that the marriage of Freda to anyone but herself would have been unbearable.

She seemed in her simplicity and weakness of mind to have no conception of the preposterous character of the marriage she looked for, and spoke in detail of the preparations as to man's apparel for the occasion, the procurement of a license for the ceremony, of the clipping of her hair after the fashion of men, and the cultivation of a mustache, if Freda wanted her to wear one. The frankness and sincerity of her manner on this topic was evidence either of a gross delusion or the conception of a person imbecile, or of a child without knowledge of the usual results of matrimony or the connubial state, or of the purpose of the organs of generation in the sexes.

She said that she and Miss Johnson went to the steamboat on the Friday preceding the Monday—the day of the homicide—and that her purpose was to find Freda Ward, and take her life. Her plan was to follow Freda to the steamboat, and, after killing her, take her own life. This was her statement. That, according to her avowal, was the fixed and matured plan—in my view, systematic detail of the “Imperative Conception,” which possessed and controlled her, when she stated that in the premature execution of her purpose, at what she said she thought was Freda’s invitation to kill her when she did, she forgot about killing herself, and, in the excitement, did not know what she did. She exhibits no remorse, not even regret.

It was my impression that she did not know the nature of a criminal act of the kind she committed, nor the import or the consequences of the coming trial. If she has any idea of the subject, it is a vague one, and she is entirely indifferent about it.

As I have before stated, I rate her capacity and general intelligence quite low—as a woman of nineteen or twenty years, with the mind of a child of ten or twelve years.

The facts you mention, intense and prolonged headaches, and bleeding at the nose during her menstrual periods—vicarious menstruation, as it is called—would indicate that function to be abnormal, and a state of congestion in the blood-vessels of the head at such periods. This condition, continued as it was, and, if I remember the statement correctly, as it yet is, is in line with that character of disturbed circulation of the blood, which a constitution predisposed to brain disorder would probably exhibit.

She described her nervous agitation and muscular tremors—a hysterical state—on the morning of the homicide while she was preparing for the buggy ride, and the watch for Freda Ward. I do not believe she did at the time of the homicide, or at my interview, have any normal or proper appreciation of the right or wrong of the act. In my opinion the act was the result of the enfeebled and insane state of mind she was in at the time, and that, so far as she

thinks of the act now at all, she sees it in no other light than she did at the time of its commission.

I am of the opinion that Alice Mitchell, on the day I examined her—last Tuesday—was of unsound and enfeebled mind, and that she is so constitutionally, and, most probably, incurably so, and that under whatever conditions she may be placed, close observation will show that her disorder is, in the main, progressive, and that her intellect will become more feeble; and am also of the opinion that on the day of my examination she was not capable of understanding the moral or criminal quality of the act with which she stands charged. Seclusion from excitement and systematic attention to her physical health, especially her uterine functions, may improve her mental tone in some degree, and retard the progress of the brain and nerve degeneration commenced in the attack of insanity which culminated in the fearful storm which led to the tragedy; but, as I have said, it will most probably be, in the main, progressive.

I have before stated, as a scientific conclusion, that Alice Mitchell derived a constitutional insane temperament from her mother, and that such inheritances are prone, when attacks of insanity arise from it, to partake of the characteristics of insane attacks in those from whom it is directly derived. The mother exhibited homicidal tendencies, and the child has committed an insane homicidal act. Under any systematized delusion which may hereafter spring up in her mind as the result of the insane temperament she bears, suspicion and distrust toward any person, or the thwarting of any cherished desire or purpose, may light up this homicidal tendency. In that view, I regard any constitutionally insane person, who has once fallen under that tendency, to be dangerously insane, and one to be watched carefully for such manifestations.

The number and searching scope of the interrogatories submitted are calculated to show every side and view of the case, and, I believe, have elicited as full and explicit answers as they were intended to do, and I can add nothing more that would throw further light on this case, except to repeat that I hold her to have been maniacally insane on the 25th of

January last, when she slew Freda Ward, and that when I examined her her mind was weak and insane and still the subject of the delusion under which that maniacal fury was engendered.

TESTIMONY OF MICHAEL CAMPBELL, M.D.

The next witness was Dr. Michael Campbell of Knoxville, who in the course of his testimony stated that he had been summoned to attend the trial by the State. He gave the following in reply to questions by counsel for defense :

“ I am the Medical Superintendent of the Eastern Asylum for the Insane at Knoxville, and have been for many years. Heredity is the most potent predisposing cause of insanity. The most usual and likely exciting causes are sickness, dissipation, losses, disappointments, loss of sleep, love, grief, anger, jealousy—anything that causes mental perturbation. Given the predisposition and the exciting cause, and there is strong probability of an overt act.”

Dr. Campbell was then asked for his opinion as to the mental condition of Alice Mitchell. “ I think her insane.” “ Did you talk with her ? ” “ Yes.” “ What opinion did you thus form of her ? ” “ I thought she was very childish.”

Dr. Campbell then told of his visit to the jail, how he talked with Alice on general topics : and said she talked like a girl of twelve years of age. “ And, doctor, do you think she is insane now ? ” “ I do. I have seen the letters she wrote and have listened to the evidence adduced here, and I believe that any theory regarding her mental condition at the time of the killing other than that of insanity is unreasonable. I think she was suffering under a stimulation of her heritage of insanity. A mother sometimes with a predisposition to insanity becomes insane from an excess of love for her offspring. That love is abnormal and exaggerated. In the case of Alice Mitchell there was an abnormal stimulation of an unnatural affection, fanned into fury by inherited insanity. The affection absorbed Alice’s whole being. Insane persons are sometimes very cunning, secretive, and lay plans.

Cross-examination.—Dr. Campbell was cross-examined by Mr. Wm. Fitzgerald for the State, who displayed considerable skill as an examiner. First, Mr. Fitzgerald asked for a definition of insanity in general, but Dr. Campbell declined to undertake to give a definition of insanity, as he thought there was no definition to which there would not be exceptions.

“Is it not true,” asked Mr. Fitzgerald, “that the ancients had an idea that insanity was the result of a disordered liver?”

Col. Gantt pleaded the statutes of limitation as a bar to the question, but Gen. Wright suggested to “let it go at that,” and the witness endeavored to answer. “If you had met Alice Mitchell at a social gathering without knowing anything of the homicide, and you had talked with her as you did in the jail, would you have thought her insane?” asked Mr. Fitzgerald. “No sir; not after a mere casual conversation upon indifferent subjects.” “What opinion would you have formed of her from such a conversation?” asked Col. Gantt. “I would have thought her weak-minded.” “Doctor,” asked Mr. Fitzgerald, “do you consider the fact of a girl loving another passionately as indication of insanity?” “It would depend upon the intensity of the passion. If it went so far as to cause a murder I would say it was indicative of a mental trouble.” “But doctor, suppose that there were two girls, and that one was as passionately in love as the other, would you not say then that both were insane?” “Well, when I first attempted to make up my mind on this case, it occurred to me that Freda Ward must be insane if Alice Mitchell is, but I looked through all the testimony in the case, and I found by perusal of the letters that Freda Ward was not the active agent in the business. She was dominated by Alice Mitchell, the stronger-willed of the two girls. Freda never got jealous; she did not rail at Alice because Alice had other lovers. Alice was the passionate one and her passion dominated the other.”

“Doctor, do you think Alice Mitchell now knows right from wrong?” “I believe so” (abstractly). “Does she know that a crime is wrong?” “Yes, I believe she knows it is wrong to commit murder, robbery, slander.” “You then simply went to the jail with your previous knowledge concerning Alice, talked with her awhile, and formed your opinion

from the information so gleaned?" "Yes, sir." "Do you consider that she has sense enough to instruct her attorneys in the defense of her case?" "I do not." "I will say," continued Dr. Campbell to the jury, "that half the cases that come to the asylums may talk quite rationally for a while, and will show no signs of their malady. But very few cases come to the asylums that are not able to distinguish right from wrong, except where their own particular delusions are concerned, when they are frequently found to be at sea."

TESTIMONY OF ALICE MITCHELL.

A lengthy discussion as to whether the girl should be placed on the witness stand was indulged. Judge DuBose stated that he could find no precedent, but ruled as follows:

"As to the question whether the defendant should be examined under oath or without being sworn, I do not think it good practice to compel this defendant to be sworn, as this inquiry is only as to her mental condition, and the examination may embrace a wide range of subjects, intended only to test her mental capacity, and not to establish facts, though the fact of her insanity would not disqualify her as a witness under oath. She may be examined by counsel for both sides. So I shall grant the application. The defendant may be placed on the stand for inspection and examination."

*Alice tells how she loved Freda and why she killed her.**—Alice Mitchell had listened to all this long and dry legal discussion without any show of interest. She fanned herself placidly, and looked about her in an unconcerned way, as though the matter was one in which she took but little interest. But it seemed as though the idea of going on the witness stand rather tickled her, for when the application was first made by the attorney-general she leaned forward and spoke a word or two with her lawyers, the while a pleasant smile spread over her countenance.

When at last it was decided that she was to go upon the stand, there was some hesitation, and every eye in the room

* We clip the statement from the daily papers just as published.

was focused upon the defendant. The hesitation, apparently, was not on account of fear or any feeling of that sort, but Alice did not appear to understand how to act. Her father and brother were sitting on either side of her. At length one of her attorneys told her to go upon the stand. She arose with alacrity, and moved around the table that interposed between her and the stand. Many lawyers and spectators were sitting in her way, but they jumped up and pulled back their chairs to make way for the fair celebrity. She mounted the steps, seated herself, and with a brush of her hand arranged the drapery of her dress. Then she looked out boldly from under her broad-brimmed white hat into the faces of the jurymen. She was not put under oath.

Alice did not appear bold, but she did not seem at all alarmed about her situation. She has penetrating blue eyes. Her face is childish and is rather too small for the figure upon which it rests. But her face is of the oval type, quite symmetrical and pretty, as judged from a full-faced view, though her profile presents a rather peculiar formation of the nose, which is irregular in outline.

The attorney prepared to question her. There was no little interest felt as to how he would enter upon the examination. He jumped *in medias res*.

Alice answers questions.—"Miss Mitchell, do you remember how long you have been acquainted with Freda Ward?" he asked. "As long as I can remember."

Alice's voice was well modulated. It was at a high pitch, probably due in some degree to the unusual nature of her surroundings, but it was just loud enough to be easily heard by the jury. Her tone varied but little during her examination. Her replies were made with good self-possession, and without hesitation.

"Do you know where you first made her acquaintance?" "No, sir." "Were you at school with her?" "No, sir." "Were your relations with her at all times pleasant?" "Yes, sir." "How many visits did you pay to Golddust?" "Two." "The first visit alone?" "Yes, sir." "Who accompanied you the second time?" "Lillie Johnson." "Do you remem-

ber how long you stayed there?" "Two weeks the second time." "Did anything of an unpleasant nature occur on that visit between you and Mrs. Volkmar?" "No, sir. Not that I remember." "How long was it after that visit before you heard from her again?" "I left there on July 7th and on August 3rd I received that letter."

Miss Alice displayed a good memory for dates by this answer, for she replied without a moment's deliberation.

"Do you refer to the letter that was read here in court?" "Yes." "While visiting at Golddust did you make the acquaintance of any young men?" "Well, the first time I was there, there was a young man named Will Boran, who boarded with Mrs. Volkmar, who was with us nearly all the time. The second time I visited there I met Mr. Ashley Roselle." "Did you see Mr. Roselle frequently?" "I saw him only twice—only once to speak to him." "Did you have a correspondence with him?" "I did." "Did you know if he was in love with Miss Freda Ward?"

Alice and her jealousy.—"Yes, I think he was." "What made you think so?" "By the way Freda spoke of him and the letters I saw." "Do you know if they were engaged?" "I think they were. I am not certain about that." Then the witness said: "If they were engaged, they didn't get married. Freda said Ashley asked her once to run off with him, but it happened just then she could not go." "Did you want Ashley Roselle to marry Freda?" "No. I didn't want her to marry anyone." There were evidences of a coming storm of tears with this answer. "Why not?" "Because I wanted her myself," and then the storm burst forth. Alice buried her face in her handkerchief and sobbed half a minute. When she again raised her face it was all red, and tears were still trickling down from her eyes.

The next question was: "On that Monday during the latter part of January did you know Freda was going back to Golddust?" Alice knew that the Monday referred to was the Monday on which she killed Freda Ward. She replied without hesitation: "I expected her to leave some day soon; I didn't know for certain what day." "Did you drive down to the boat for the purpose of seeing her off?" By this time

Alice had fully recovered from her previous emotion, and replied: "I went to the postoffice for that purpose." "Did you speak to her or did she speak to you at the postoffice?" "No, sir. She just winked. No words at all." "Winked at you?" "Yes." "Did that mean anything?" "No, only that Freda used to say that winking with the right eye meant 'I love you.'" "When was it you concluded to follow her down to the boat?" "I didn't know when Freda would go. I intended to go to the boat whenever Freda was going to leave." "Then you didn't intend to go to the boat until Freda passed you at the postoffice?" "No. I didn't intend to go into the postoffice. I just got out of the buggy and told Lill to keep the horse and the little boy. Lill asked me, 'Where are you going?' I said, 'I am going to see Fred once more.'" There were more symptoms of a lachrymal eruption, but it was forced back.

Leading to the killing.—"How far was Freda past the corner of the customhouse when you got to the corner?" "I don't know anything about distance, but she was about a third of the way down." "Where was Freda?" "She was with her sister and Miss Purnell." "In going down the incline after them, did you go fast or slow?" "I went about the rate she was. Fred was behind the others, for she slipped or pretended to slip. I caught up with her and took three or four steps at her side." "What did you follow her for?" "To cut her." "Why did you cut her?" "Because I knew I could not have her, and I didn't want anyone else to have her." "Did you think anyone else was going to have her?" "Well, there was one young man who was in love with Freda, but he fell in love with another girl, and I was not much jealous of him, but I was jealous of Ashley." "Did you know if she was engaged to Harry Bilger?" "No, except she told me once that he had asked her to go on the stage with him, but she did not go." "Were you engaged to Harry Bilger or Ashley Roselle?" "No, sir." "Where did you carry the razor?" "In the pocket of my dress." "Where were you when you first took it out?" "At the north gate of the customhouse grounds." "You expected then to go to the boat?" "I expected to follow Freda down and go on the

boat if she did." "Why did you wish to go on the boat?" "Because I thought it would be a better place to cut her." This with an air of utter nonchalance. "Why did you think it would be a better place?" "I had no reason, except that it would not be so public as on the street. Back in the cabin or somewhere would have been a good place." "Did you go down on the boat on the Friday before that?" "Yes. It was not the same boat, though." "Did you have your razor with you then?" "Yes." "If you had seen Freda Ward then, would you have cut her?" "I would."

The tale of the tragedy.—"Did she say anything to you when you got to her as she went down the levee on Monday?" "Well, I first laid my hand on her and cut her. Then she tried to say something. I think it was 'Oh.'" Alice told this, as though the fact of Freda trying to speak to her was a very dear recollection to her. She then continued: "Then some one screamed; I think it was her sister, and that drew away my attention." "What did you do then?"

Alice became very animated as she related the details of the horrible affair. It seemed like the recital of an interesting story that had been told her by some one else. She said:

"Miss Joe Ward flew at me with her umbrella, and said, 'You dirty dog!' and it made me mad, and I cut at her. I didn't intend to cut her at all, but she made me mad by what she said. When I did that she stepped back and screamed, and said: 'Oh, my sister! My poor sister!' I turned and saw Fred and ran to her. I had an umbrella; I don't know where I got it, and I hit Fred with it and knocked her hat off. Joe said, 'Alice, you dirty dog, you will be hung for this!' I said, 'I don't care if I am hung!' I put my arm around Fred as she was on the railway track and cut her throat. I did not intend to cut her up so bad;" this in a tone of apology and a trifle of remorse; "I thought one deep cut would be enough; but what Joe said made me mad." "You intended to kill her?" "Yes." "Why?" "Because I could not have her." "Do you miss her now?" "I have missed her ever since last summer," and there was a tremor in the girl's voice. "Do you know if she is dead now?" "I know she is. I saw it in the papers." "Did you intend to use the razor

on yourself, as well as Freda?" "Yes, sir." "What did you do with that razor?" "I carried it up the hill with me, and as I ran around behind the buggy I slipped it in my pocket. When I got in the buggy I felt for it to see if it was safe, but it was gone. I thought I had dropped it on the ground. Afterward I learned my sisters found it in the bottom of the buggy." "Was it closed when you put it in your pocket?" "Yes."

Why not commit suicide?—"Why did you not use the razor on yourself?" "Well, I intended to cut Freda's throat and then my own, but when Joe said, 'You dirty dog!' I got mad. I forgot what I was doing. When I got part up the hill I heard some one hallo, and I didn't think any more about it." "Did you not feel mad at Freda when she quit speaking to you?" "No, because I knew it was not her fault. Freda wrote to me after that letter from Mrs. Volkmar and told me not to be angry about it, as it was not her fault." "You had nothing against her?" "No, sir." "You had written many letters to Freda, had you not?" "Yes, sir. There was mail to and from Golddust three times a week, but her brother only allowed her to write twice a week, but we wrote three times a week. She gave her letters to an old colored woman at Golddust who mailed them for her." "What person did you love the most in all the world?" "Freda Ward." "Did you not love your relatives?" "Yes, but nothing to what I loved Freda."

The attorney-general had again directed the girl's mind to a recollection of her lost love, and with the same result as before. She burst into tears, and for some time her emotion was evident.

"How long did you love Freda?" "About three years." "Were you engaged to her?" "Yes." "Was she not engaged to a young man at the same time?" "I think she was." "Were you engaged to a young man also?" "No, sir." "Were you in love with any of the young men you corresponded with?" "No, sir. I didn't mean a single thing I said in any of those letters." "Then why did you write to them?" "Well, you see it was this way: About two years ago Miss Joe Ward sent me a matrimonial paper and told me to pick me out some names of young men and write

to them and have some fun. I did not write to any of them then, but later I picked out some names, and last summer I didn't have Fred to write to, and I did it for pleasure and pastime. We would just write anything we could think of."

Those assumed names.—"How did Lillie Johnson happen to assume the name of Jessie James?" "Well, it was in this way: We had been to the opera at East End and it occurred to us to assume the names of opera singers. I chose the name of Fred Ford and she the name of Jessie Hatcher. But we did not think it safe to take the names of real persons. One day we got some cigarette pictures and it occurred to us to assume the names of a couple of them, so that if the fellows asked for our pictures we could send them cigarette pictures. We did not care what we wrote to them, for they were only fooling and so were we. So I took the name of Myra Ward. Lill said as I had a short name she would take a short one, too, so she took the name of Jessie James." "This young Miss Ward's name was not Freda, was it?" "No, it was Frederica." "Would you like to see her now?"

The spring had been touched for another outpour of tears and it came. It was amid sobs that Alice said:

"Of course I would like to see her again." "Would you want to cut her throat now if you were to see her?" "I don't know what I would do." "Can you state why you loved Freda Ward more than anyone else?" "I don't know why it was." "Was she beautiful?" "Yes, sir. I think so," with conviction. "Attractive?" "Yes, sir." "Were not other young ladies equally as pretty and attractive?" "They were not so to me." "Do you like to be with young men sometimes?" "No, sir." "Well, did you not at one time belong to a social organization where young men attended? The Happy Hour Club?" "Yes, sir. I think that was the name of it." "You were vice-president, were you not?" "Yes, they told me so." Alice did not appear to have much regard for the Happy Hour Club, for her references to it were with a touch of disdain. "There were no special privileges attaching to the office of vice-president, were there?" "No. I don't think so." "Didn't they give the vice-president a special seat?" "No. I just went in and

sat down like everybody else." "Don't you think they ought to have accorded you some special privileges as vice-president?" "I don't know. I never was in any other club, and I don't know how they do."

Flowers for actors.—"Do you remember any instance where you gave flowers to an actor?" "Yes, sir." "Did you give flowers to several actors?" "No, sir. Only one." "Did you frequently meet and talk with young gentlemen during the course of those afternoon drives?" "No, sir. I remember only one occurrence of that sort." "Do you remember if you remained in your own room a great deal just prior to the tragedy?" "Yes, sir." "What would you be doing then?" "Crying most of the time." "What? Writing most of the time?" "No, sir. I never wrote but a few letters in my own room." "Where did you generally go to write your letters?" "Different places. Sometimes I wrote in my buggy; sometimes in the kitchen." "What were you crying about in your own room?" "Because I could not have Freda with me. They had told her not to speak to us, and mamma forbade me speaking to her." "Freda always wanted to speak to you, didn't she?" "She seemed to." "Didn't you just like Freda like you did one of your own sisters?" "No, sir. I more than loved her." There were more tears and sobs here. "Did you ever try to take laudanum to kill yourself?" "Yes, sir." "Why did you do that?" "Because Freda told me she was engaged to Ashley Roselle." "Didn't you want Mr. Roselle to marry her?" "No. I didn't want anyone to marry her." "Did you take the laudanum?" "Yes, sir." "Did you really expect to marry Freda?" "Yes." "Where were you to be married?" "At Grace Church. We were going to get Dr. Patterson, and if he would not do it we were going to get a justice of the peace, or someone else." "Did you think it was the proper thing for two girls to marry?" "No; but then I thought if I dressed myself up as a man they would not know the difference." "Then where were you going to?" "Well, Freda said she wanted to go to St. Louis." "What business did you expect to engage in there?" "I didn't have any business." "How did you expect to make a

living?" "I don't know." "You would not have starved Freda?" "I don't know what we would have done." "Did you want to starve her?" "No, sir." "Did you never talk to her as to what you would do when you got to St. Louis?" "No, sir. You see we didn't have much chance to discuss it. We were afraid to say anything about it in our letters, as we missed several letters and were afraid they were being intercepted. The only time we had to talk about the matter was when we were at Golddust." "Which of you suggested the elopement?" "I did."

The language of love.—"Well, speaking of YBIR. What does that mean?" "That is a language Freda learned me. We called it the YBIR alphabet." "Didn't you have any idea of what you were going to do in St. Louis?" "No, sir. We thought of going there about October." "Did you expect to board or keep house?" "Board, I expect." "Miss Joe is older than Miss Freda, is she not?" "Yes." "She is a handsome, attractive young lady herself, is she not?" "I don't think so. I think she is pretty, but not as pretty as Fred." "You didn't love her as you did Fred?" "No, sir." "Did you love her at all?" "Well, I did love her very well until she got on this stand and told those stories about me. When Mrs. Volkmar broke off my correspondence with Fred, Fred wrote me that I was not to be mad at her, as it was all caused by Mrs. Volkmar and Joe. Still I didn't believe Joe was doing anything against me." "Did you ever believe Miss Lillie Johnson was deceiving you?" "No, sir. There was something said about that, but I never believed it. You see Freda was always jealous of Lillie Johnson, because she thought I loved her too much." "Do you remember that letter in which you spoke of a rose?" "Yes." "Well, explain what you meant in your reference to the rose." "It was a certain kind of a rose that a girl in school used to give me, and Freda liked it. I told Freda that if I got any more like it I would save it for her." "Do you remember what kind of a rose that was?" "I don't remember the name of it."

The attorney-general studied for a moment and then remarked that he did not care to put any more questions to the defendant. Alice had gone through the examination

remarkably well. Her responses to all questions had been made unhesitatingly. Gen. Wright undertook to draw her out some more, and, in answer to his questions, she said :

Cross-examined.—"We had arranged that I was to go under the name of Alvin Ward after I was married, and Freda was to be Mrs. Alvin J. Ward. We had it all worked out. Freda said I must take some name so she could call me Allie for short. Freda said she would like me to have a mustache. I said I never did like a mustache on anyone, but I said if she wanted me to have a mustache I would get a razor and shave and try to raise one. I would do anything for her. I loved her truly. I used to dream about her a great deal, but I do not so much now, though I think of her a great deal. I thought her very pretty. She had brown eyes—well, not very brown," and Alice smiled fondly at the recollection. "She was of a brunette complexion. I had several pictures of her. I keep one in my watch case all the time.

"I got my father's razor on the first day of November, as the Ward girls had written they would be here during that month. I carried it out nearly every time I went out. I saw Freda go into a picture gallery one day, but I could not get a chance to cut her then. It was on January 7th. I could not get my hand on my razor. Lill was in the buggy beside me and asked me what I was doing when I tried to get the razor out of my pocket. I did not want her to know what I was doing, so I did not try any more. I got the razor on purpose to kill Fred away back in November. I took the laudanum on the boat. I wanted Fred to take it, but she wouldn't, so I took it. I was sick for a week after that. During that night I woke up and felt queer, but I could not arouse anybody. I wanted Fred to take the laudanum. I tried to give it to her on the night before, but I could not get her to take it. I told her then that I was going to take it in order to get her to go to sleep, but I did not intend to take it until I gave it to her. I thought if I could get her mouth open I could pour it down her throat, but she was suspicious and watched me all night."

A juror's questions.—That concluded Gen. Wright's examination, and as the attorney-general intimated he had no fur-

ther questions to ask, the girl was told she might leave the stand, which she forthwith proceeded to do.

But she had barely got down out of the chair when the judge exclaimed: "Hold on, there! come back! Take that seat again. Gentlemen of the jury, do any of you wish to ask the defendant any questions, to examine her touching the condition of her mind?"

Major Fleece expressed a desire to ask a few questions, and he did so: "You say, Miss Mitchell, that you undertook to kill yourself?" "Yes, sir." "Do you feel regret that you failed?" "I have always wanted to do it." "Do you feel that you are determined to carry out your purpose?" "No, sir. I don't know that I will, but I want to die." "It was said that you kept a thumbstall saturated with Freda's blood and yours. Do you want to have that now? Would it give you pleasure to look on it?" "Yes, sir. I think it would."

That was all that was asked Alice. She stepped back to her seat behind the lawyers again, and her face wore an expression of satisfaction.

The statement of the prisoner, her appearance, her emotional and non-emotional psychical changes, etc., together with the developments that preceded, wholly disarmed the prosecution, and the case was given to the jury without argument. The latter remained out but a few moments before agreeing to the verdict of present insanity.

In addition to the evidence placed before the court, the erudite and wide-awake attorneys for the defense, Col. Gantt and General Wright, had prepared, beforehand, the "hypothetical case," which we publish elsewhere (every feature of which was fully proven to be true as to Alice Mitchell), and obtained the depositions of Drs. Frank Ingram of New York, Wm. R. Fletcher of Indianapolis, Ind., and Wm. A. Hammond of Washington, D. C. None of these were used in court, and we give them to the public for the first time. Their answers are as follows. Lack of space forbids giving the interrogatories.

DEPOSITION OF FRANK INGRAM, M.D.

I have lived in asylums for the insane for five years, have been Lecturer on Nervous and Mental Diseases at the New York Polyclinic, Assistant Superintendent of the New York City Lunatic Asylum, and am President of the Visiting Board of the City Hospital for Nervous Diseases, and President of the Board of Pathologists of the Hospitals for the Insane of the City of New York.

Under my personal observation in actual practice and asylum life, I have had the care of some seven thousand patients, and in my official capacity under the Department of Charities and Correction, I have access at all times to all recurring cases, which number about 2000 a year, and in addition to that, the resident patients, including acute and chronic cases in the asylums with which I am connected, more than five thousand.

Nervous disorders and unsoundness of intellect in parents, and especially in the female parent, tend toward such disorders in the offspring.

The child would probably be affected with some nervous or mental disease, and the impression on its development made by the mother at the time, would probably produce in the child a similar tendency.

I have carefully considered the hypothetical question marked Exhibit A to this question, and assuming the statements in the main to be correct, I should say that the person is insane, and that the form of the mental disease or disorder is what is known as paranoia.

Paranoia is a disease which almost invariably embraces either suicidal or homicidal tendencies, or both. Overt acts are carefully designed, executed without hesitation, regardless of consequences, and without remorse.

In the case of Alice Mitchell, as presented to me, there is, with the solitary exception of the details of the homicide, a picture frequently presented to the specialist in mental diseases. In nearly all such cases threats and even attempts at suicide or homicide are frequently present, although in most cases there is usually some intervening reconciliation or mod-

ifying occurrence to prevent the actual realization of the threat. However, I have never had occasion to doubt the sincerity of these threats.

Alice Mitchell's case presents to me, and I believe without a qualification, one of the clearest cases of disordered mind of which I have ever heard. The insanity of the mother is most significant, and it would not have been expected that the child after birth would have been a sound and healthy child so far as its brain and nervous system is concerned.

Further deponent saith not.

FRANK INGRAM, M.D.

DEPOSITION OF WM. B. FLETCHER, M.D.

My name is Wm. B. Fletcher, of Indianapolis, Ind. I am a physician. I am thirty-one years old. I have been superintendent of a private hospital for treatment of mental and nervous diseases for five years. Have made a specialty for the past twelve years of mental and nervous diseases. About five thousand insane persons have been under my care and treatment.

I have carefully examined the case set forth in the hypothetical statement filed as Exhibit A. My opinion is that the subject of that statement is of unsound mind. The nature and character of such unsoundness I would class of a kind emerging from a constitutional neuropathic state hereditary in origin, or constitutional psycho-neurosis, sometimes called paranoia. My reason for thinking so is, that the inheritance and life history is like that which has produced similar insanities that have come under my observation.

I have had patients make confession of such form of mania, who recognized their condition and desired treatment. The conditions under which I received the information prevent my giving names, dates, or minute circumstances. In the four cases known to me, there were threats of homicide, and in two cases violence had been used.

W. B. FLETCHER, M.D.

DEPOSITION OF W. M. A. HAMMOND, M.D.

Heredity is one of the most important factors in the causation of insanity. In fact no other influence is so powerful in predisposing to mental derangement.

It is the general opinion, and I think it is correct (it certainly is so far as my experience extends), that insanity is more frequently transmitted through the mother than through the father.

Insanity, like other hereditary diseases, often skips a generation.

An insane temperament undoubtedly exists, and it is frequently transmitted through hereditary influence.

Undoubtedly persons in whom the insane temperament exists may never become the subjects of insanity. In fact they never would become insane without an existing cause. They are like the wood and inflammable materials that are laid for a fire that never would become ignited unless their temperature were raised to the igniting point.

"Look at the hypothetical statement herewith offered and marked Exhibit A to this question, and, assuming the facts therein recited to be true, state whether, or not, the subject, or person, described in said statement is of sound or unsound mind. If of unsound mind, state the type, or form, of her insanity."

Ans.: Undoubtedly, yes.

Emotional disturbance is one of the most powerful exciting causes of insanity, far more so than any other mental influence. Anxiety, worry, love, jealousy, anger, with other emotions, are the exciting causes, in nine cases out of every ten, of those persons who, possessed of the insane temperament, become insane.

Yes. Such a combination of circumstances existing in any one person could indicate the existence of no other condition than that of insanity. Different names would be applied to such a form of mental derangements by different authors. Just as some people would speak of a "house," others would call it a "mansion," others a "dwelling," others a

"domicile," and so on; but all would agree in regard to the essential nature of the structure. The condition is described in my "Treatise on Insanity," under the head of "Emotional Morbid Impulses," page 432, where similar cases to the one now under consideration have been described.

WILLIAM A. HAMMOND, M.D.

